

**United States Bankruptcy Court  
Eastern District of Michigan**

In re **Louis Martin Mondry**

Debtor(s)

Case No. **10-55238**  
Chapter **13**

DEBTORS' OBJECTION TO PROOF OF CLAIM

NOW COMES(S), Debtor(s) Lewis Martin Mondry, by and through his attorney, James C. Bowser, and in support of his objection to the Proof of Claim of the Michigan Department of Treasury, states(s):

1. Debtor(s) filed for Chapter 13 relief on May 6, 2010.
2. Michigan Department of Treasury filed 3 Proofs of Claim on 8-5-10 (Claims #13-1, 14-1, 15-1).
3. Michigan Department of Treasury states in its 3 Proofs of Claim that several of the tax periods are "estimated." This is incorrect and results in incorrect calculation of Debtor's tax, penalties and interest owing..
4. To ensure the Michigan Department of Treasury has complete records, the Debtor has recently sent them copies of all returns filed from '07 –date of bankruptcy filing.
5. Debtor does not deny that there is some tax owing but he has not failed to file any tax forms and does not owe the amount stated in the filed proof of claims.

WHEREFORE, Debtor prays that this Honorable Court disallow the Proof of Claim of Michigan Department of Treasury (Claims #13-1, 14-1, 15-1) and grant any further and other relief as the Court deems equitable and just.

Dated: November 3, 2010

/S/ James C. Bowser  
James C. Bowser (P40480)  
Attorney for Debtors  
413 Clinton Avenue  
St. Clair, MI 48079  
(810) 329-3500  
[james.bowser@comcast.net](mailto:james.bowser@comcast.net)

**United States Bankruptcy Court  
Eastern District of Michigan**

**ORDER DISALLOWING PROOF OF CLAIM OF MICHIGAN DEPARTMENT OF TREASURY**

This matter having come before the court upon the Objection to Proof of Claim filed by the Debtor pursuant to L.B.R. 3007-1 (E.D.M.), the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served or all objections having been withdrawn, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Proof of Claim filed on behalf Michigan Department of Treasury (Claims #13-1, 14-1, 15-1) on or about 8-5- 2010 is disallowed in its entirety.

IT IS FURTHER ORDERED that the Standing Chapter 13 Trustee is absolved of any duty to recoup payments, if any, previously made to Michigan Department of Treasury.

---

U.S. BANKRUPTCY JUDGE

PROPOSED ORDER

**Exhibit 2**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In re:

Louis Martin Mondry  
Chapter: 13 Proceeding

Case No.: 10-55238  
Judge: Thomas J. Tucker

Debtor. \_\_\_\_\_/

### NOTICE OF OBJECTION TO CLAIM

Debtor has filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to deny or change your claim, then on or before December 30, 2010, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

**U.S. Bankruptcy Court  
211 W. Fort Street, Suite 1700  
Detroit, Michigan 48226**

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

James C. Bowser, Attorney for Debtor, 413 Clinton, St. Clair, MI 48079

Tammy L. Terry, Chapter 13 Trustee, 535 Griswold, Ste. 2100, Detroit, MI 48226

2. Attend the hearing on the objection, scheduled to be held on January 6, 2011, at 11:00 a.m. in Courtroom 1925, United States Bankruptcy Court, 231 West Lafayette Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

Date: November 7, 2010

/s/ James C. Bowser  
James C. Bowser (P40480)  
Attorney for Debtor  
413 Clinton Avenue  
St. Clair, MI 48079  
(810) 329-3500  
james.bowser@comcast.net